

"10. On any day after June 30 of a calendar year, a motion to proceed to the consideration of an appropriations measure shall be decided without debate."

#### ADDITIONAL STATEMENTS

##### OPENNESS ON THE IMPEACHMENT TRIAL

• **Mr. FEINGOLD.** Mr. President, I rise today in strong support of opening Senate deliberations to the public during the course of the impeachment trial against President Clinton. I will therefore support the motion to be offered by Senators HARKIN and WELLSTONE to suspend the rules in order to open these proceedings to public scrutiny.

In this trial, the United States Senate is charged by the Constitution with deciding whether to remove from office a President twice elected by the American people. Although I am certain that every member of the Senate will undertake this Constitutional responsibility with the utmost gravity and perform "impartial justice" as our oath commands, I am concerned that the American people will be shut out of this process at some of its most crucial moments.

America's great experiment in democracy trusts the people to elect a President in a process that consists of months of public discussion, primaries, caucuses, debates, and finally an election open to everyone who chooses to participate. In stark contrast, the Senate's rules preclude the public from seeing its deliberations on whether an impeachment case will be dismissed, whether witnesses will be called or further evidence introduced, and even the ultimate debate regarding the guilt or innocence of the President. In short, Mr. President, the Constitution trusts the people to elect a President, but our current Senate impeachment rules do not trust them to have even the most passive involvement in our deliberative process, even when the debate might result in overturning the people's judgment in a national election.

Let me take a moment to describe again for my colleagues how our current impeachment rules work. The Senate is not only the trier of fact in this case, but it also acts as the ultimate arbiter of law. It can overturn the Chief Justice's rulings on evidentiary questions and make decisions, which cannot be appealed to any court, on motions. But the Senate's impeachment rules, which were first drafted in connection with the Andrew Johnson impeachment and most recently revisited in 1986, do not permit the Senate to debate any of the decisions that it must make, except in closed session. In fact, the rules provide that decisions on evidentiary rulings are to be made with no debate whatsoever.

Other motions can be debated, but only in private. So, for example, we ex-

pect that after the presentations are made on both sides, a motion will be made to dismiss the case against the President. Under our current rules, the House managers and the President's lawyers will argue that motion, but the Senate cannot debate it in open session. In fact, if a majority of the Senate wants to preclude debate entirely, it can do that by simply voting against a motion to take the Senate into private session for deliberations. Thus, before we vote on what could be a dispositive motion in this case, our only options are to discuss it behind closed doors or not discuss it at all.

I think this is wrong. We need a chance to debate this motion as Senators. I want to hear from my colleagues before I vote, not just afterward on television. I intend to carefully and respectfully entertain my colleagues' arguments, and I refuse to rule out the possibility that a well-reasoned argument offering a different perspective will influence my decision. But the American people also deserve to hear what we say to each other as we debate this motion. I see little to be gained from closing these deliberations and much to be lost. We must do everything we can to ensure public confidence in our fairness and impartiality. How can we expect the public to have faith in us if we close the doors at the very moment when we finally will speak on the dispositive questions of this historic trial?

Opponents of openness argue that in the only Presidential impeachment trial in our Nation's history, that of Andrew Johnson, the Senate's deliberations were closed. While it may be tempting to rely on the precedent of the one previous Presidential impeachment trial, which occurred one-hundred and thirty years ago, I believe we should take a fresh look at this issue. In particular, we should consider how drastically the rules of the Senate and the composition of the Senate have changed.

The Senators who presided over President Johnson's impeachment were not elected by the American people directly, but were chosen by the various state legislatures, and thus were not directly responsive to the popular will. Today, we as Senators represent the citizens of our state directly and we are accountable to them at the ballot box. Furthermore, until 1929, the Senate debated nominations and treaties in closed sessions; and until 1975, many committee sessions took place in private. Today, all of our proceedings are open to the public, except in rare cases involving national security. The rules governing membership in the Senate as well as the openness of Senate proceedings have consistently evolved throughout our history toward greater public involvement. The rules governing impeachment trial deliberations must move in that direction as well.

Opening these proceedings as Senators HARKIN and WELLSTONE have proposed will make the American public feel more involved in the process. With the percentage of voters who cast their ballot on election day declining in each succeeding election and polls showing that the public feels increasingly alienated from the political process; and with people openly questioning the relevance of their elected representatives and the Congress as a whole to their daily lives, we must lay open to the American people our deliberations on the most crucial decision short of declaring war that the Constitution ultimately entrusts to us. Democracy can only flourish when the people feel that they have a stake in the process. Conducting our impeachment deliberations in private sends the message that when the really important decisions need to be made, the American public is not welcome to observe. This is precisely the wrong message to send.

Thus far in the impeachment process, there has been little to celebrate. Most Americans have concluded that the House of Representative's inquiry was plagued by partisanship. Many fear that the Senate will do the same. With the eyes of the country upon it, the Senate has an opportunity to restore America's trust in the constitutional process. Open deliberations will enhance the public's understanding and discussion of this case. It may even serve to chip away some of the pervasive cynicism in our country as Americans watch how their elected representatives conduct themselves during consideration of the articles. I trust that my colleagues will reach their decisions on the merits after careful, reasoned and informed consideration of the evidence and the arguments presented. If my trust in my colleagues is justified, our deliberations will be thoughtful, high-minded, vigorous, and non-partisan. And if we have that deliberation in the open, it will be remembered as one of the Senate's finest hours.●

##### KAYANN ELIZABETH HAYDEN

• **Mr. COVERDELL.** Mr. President, I rise today to commend Kayann Elizabeth Hayden for her commitment to excellence in academics and as an outstanding young person. Kayann is a senior at Gilmer High School in her hometown of Ellijay, Georgia. Throughout Kayann's schooling, she has maintained an A average and is President of the Beta Club. Her peers have voted her Most Likely To Succeed Senior Superlative for 1998-1999 school year.

In addition to maintaining an outstanding academic record, Kayann has been involved in several sports, organizations, and other extracurricular activities. Currently serving as senior class president, she has been a leader in